IN THE HIGH COURT OF BOMBAY AT GOA, PANAJI-GOA

APPEAL FROM ORDER NO. 5 OF 2002

1. Shri Braz Cardozo
   and his wife

2. Smt. Braz Cardozo

   Both major in age,
   R/o. H. No. 64-B, Darabhat,
   Arlem-Raia-Salcete, Goa. .... Appellants

Versus

Smt. Tereza Rodrigues
W/o late Tiburcio Rodrigues
major of age, Housewife,
R/o H.No. 189, Arlem,
Raia, Salcete, Goa. .... Respondent

Mr. Sudesh Usgaonkar, Advocate for the Appellants.

Mr. S.D. Lotlikar, Sr. Advocate with Ms. S. Rao, Advocates for the Respondent.

CORAM : **P.V. KAKADE, J.**

DATE : **15th NOVEMBER, 2006**

ORAL JUDGMENT :

Heard the learned Counsel for both the parties.

2. This is an appeal preferred against the judgment and order

passed by the Civil Judge, Senior Division, Margao allowing temporary injunction application of the plaintiff against the appellants-defendants in respect of the suit property.

3. It is pointed out that the injunction is operative by virtue of this order against the present appellants-defendants for last more than 4 years. In my considered view, the suit which is filed in the year 2001 must be right for hearing and if its not right it should be made right for hearing as expeditiously as possible and interest of both the parties would be served if the suit itself if adjudicated on merits, instead of adjudicating the interim proceedings at the appellate stage at this juncture. Hence, it is directed that the Civil Judge, Senior Division, Margao shall expedite the hearing of the suit so as to complete the adjudication there of, after giving opportunity to both the sides to lead their evidence, within one year from the date of receipt of the writ of this Court. With these directions, the appeal stands disposed of with no order as to costs.

P.V. KAKADE, J.

NH